

**FUNERAL DIRECTORS EXAMINING BOARD MEETING
MINUTES
FEBRUARY 8, 2005**

PRESENT: J. C. Frazier, Bonnie Gift, Rosalie Murphy, David Olsen (via telephone),
Connie Ryan and Rick Unbehaun

STAFF PRESENT: Jerry Lowrie, Bureau Director; Jacquelyn Rothstein, Legal Counsel;
Roxanne Peterson, Direct Licensing Coordinator; and Division of
Enforcement Staff

GUESTS: Erin Longmire, FSA
Mark Paget, WFDA
Barb Schuler, WI Technical College System

CALL TO ORDER

Rick Unbehaun, Chair, called the meeting to order at 9:30 a.m. A quorum of six members was present.

AGENDA

MOTION: Bonnie Gift moved, seconded by Rosalie Murphy, to approve the agenda as published. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Bonnie Gift moved, seconded by J.C. Frazier, to nominate Rick Unbehaun as Chair; that the nominations be closed and a unanimously ballot be cast. Motion carried unanimously.

MOTION: Bonnie Gift moved, seconded by Connie Ryan, to nominate J.C. Frazier as Vice Chair; that the nominations be closed and a unanimously ballot be cast. Motion carried unanimously.

MOTION: Connie Ryan moved, seconded by Rosalie Murphy, to nominate Bonnie Gift as Secretary; that the nominations be closed and a unanimously ballot be cast. Motion carried unanimously.

SCREENING PANEL APPOINTMENT

The Chair appointed J.C. Frazier to continue to serve on the Screening Panel with himself.

APPROVAL OF MINUTES NOVEMBER 9, 2004

- Correction: under GUESTS: change Patrick “Errie” to “Essie”

MOTION: Bonnie Gift moved, seconded by Connie Ryan, to approve the minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT JERRY LOWRIE, BUREAU DIRECTOR

Board Roster

Noted.

2005 Meeting Dates

The next meeting is scheduled for May 17, 2005.

Connie Ryan reported he will not be able to attend the August 23, 2005, meeting.

Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases

Noted.

To do List

Noted.

Department’s Budget Discussion – Deputy Secretary Sandra Rowe

Jerry Lowrie reported on the Department’s budget proposal.

David Olsen complimented the Department in this very difficult budget time on the fact that the Department has been able to meet the Governor’s budget initiative.

Hotel Cancellation Policy

Jerry Lowrie clarified the Department’s policy that if a Board member is not going to use a reserved hotel room, it is the responsibility of the Board member to cancel the room by calling the hotel themselves. If the room is not cancelled and the Department is billed for the room, it is the responsibility of the Board member to pay the bill.

Out-of-State Travel Policy

Jerry Lowrie explained the Department's out-of-state travel policy advising that the Department will fund one Board member for one meeting in a fiscal year, upon a motion made by the Board designating its representative and upon Department approval.

The Board received a copy of the Office of State Employment Relations "Pocket Travel Guide".

LEGISLATIVE UPDATE/RECAP

2005 LRB 0814/1

The Board discussed the draft of 2005 LRB 0814/1 relating to the regulation of cremation of human remains and creating a Crematory Authority Council. This bill is identical to the previous proposed draft except that this bill would exempt medical schools and mortuary schools from being licensed as a crematory. The Board requested that they be informed when a hearing is scheduled on this bill.

EMBALMING STANDARDS -HFS 136.03(2) AMENDMENT

Jacquelynn Rothstein reported that HFS 136.03(2)(e), Wis. Admin. Rule, has been amended to allow mortuary schools to perform embalming.

CONTINUING EDUCATION ISSUES

None.

EXAMINATION ISSUES

None.

PRACTICE ISSUES- LEGAL COUNSEL

Notice of Removal of a Human Corpse

The Board reviewed and discussed the Department of Health and Family Services revised "Notice of Removal of a Human Corpse from a Hospital/Nursing Home/Hospice Part 1". Jacquelynn Rothstein advised that the DHFS revision did not incorporate the Board's suggested amendment.

MOTION: David Olson moved, seconded by Rosalie Murphy, that the Board does not agree with the language of #17 and requests that Jerry Lowrie inform the Department of Health and Family Services that the Board suggests the following language revision to #17: "The body is being removed by a family member. The following documents must be prepared and filed:

Notice of Removal, Report for Final Disposition, and Death Certificate must be filed.” Motion carried unanimously.

Letter from Curtis Biggar Relating to Several Different Questions Concerning Cemetery-Related Matters

For informational purposes. The Board received correspondence between Curtis Biggar and Jacquelynn Rothstein. The Board concurred with Ms. Rothstein’s response.

ICFSEB

The Conference Report

Informational item only.

DIVISION OF ENFORCEMENT

Open Cases Discussion

Jacquelynn Rothstein reported on the Division of Enforcement’s concerns relating to the Board’s request to discuss all open, pending cases. Ms. Rothstein advised the Board that as the final decision-making body, the argument could be made that if the Division of Enforcement briefs the Board on all pending cases, the Board no longer is an impartial decision-making body. If the Board is tainted, the authority to make a final decision on disciplinary matters would have to go to another entity, i.e., administrative law judge.

The Board questioned whether the Division of Enforcement responds to the complainant when a complaint is received. Jacquelynn Rothstein and Rick Unbehaun advised that when a complaint is received in the Department, the Division of Enforcement does immediately respond to the complainant advising that the complaint was received and will go through the screening process.

BOARD MEMBER ACTIVITY

The Board members gave brief reports on activities undertaken since the last meeting.

VISITORS COMMENTS

Mark Paget reported that the cremation bill is moving and complimented the team effort of the Board, FSA and WFDA.

NEW BUSINESS

None.

MONITORING LIAISON

None. Rick Unbehaun was appointed the Board liaison at their December 9, 2004 meeting.

PRESENTATION OF PROPOSED STIPULATIONS

The Board will deliberate on proposed Stipulations in closed session.

- Elaine R. Fossum 04 FDR 006
- Any Stipulations that may be signed after printing of the agenda.

CREDENTIALING

Appearance Lashantae K. Gibsons

Lashantae Gibson appeared before the Board to provide additional information pertaining to her credentialing application.

CLOSED SESSION

MOTION: J.C. Frazier moved, seconded by Bonnie Gift, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.. Roll Call Vote: Rick Unbehaun-yes; J.C. Frazier-yes; Bonnie Gift-yes; David Olsen-yes; Rosalie Murphy-yes; Connie Ryan-yes. Motion carried unanimously.

Open Session recessed at 10:50 a.m.

The Board deliberated on the Monitoring Report, the Case Status Report and Case Closings, Proposed Stipulations, Proposed Administrative Warnings, Reinstatement Requests, and Pending Applications.

RECONVENE TO OPEN SESSION

MOTION Rosalie Murphy moved, seconded by J.C. Frazier, to reconvene into Open Session at 11:25 a.m. Motion carried unanimously.

MONITORING REPORTS

None.

CASE CLOSINGS

None.

STIPULATIONS

ELAINE R. FOSSUM (04 FDR 006)

Mark Herman presented the proposed Stipulation.

MOTION: Bonnie Gift moved, seconded by David Olsen, to accept the Proposed Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Elaine R. Fossum 04 FDR 006**. J.C. Frazier was case advisor. Motion carried unanimously.

PENDING APPLICATION REVIEWS

LASHANTAE K. GIBSON

MOTION J.C. Frazier moved, seconded by Bonnie Gift, to grant **Lashantae K. Gibson's** application for an apprentice funeral director's permit provided Ms. Gibson provides proof of employment with an eligible funeral home. Motion carried unanimously.

PETER J. STEVENS

MOTION J.C. Frazier moved, seconded by Rosalie Murphy, to grant **Peter J. Steven's** application for an apprentice funeral director's permit. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

None.

REQUESTS FOR REINSTATEMENETS

None.

ADJOURNMENT

MOTION: Rosalie Murphy moved, seconded by Bonnie Gift, to adjourn the meeting at 11:28 a.m. Motion carried unanimously.

NEXT MEETING: May 17, 2005